

MCKEE, VOORHEES & SEASE, PLC

MCKEE VOORHEES &amp; SEASE

RECEIVED  
CENTRAL FAX CENTER

SEP 13 2005

ATTORNEYS AT LAW

801 GRAND AVENUE • SUITE 3200 • DES MOINES, IA 50309-2721  
PHONE: 515-288-3667 • FAX: 515-288-1338 • [www.ipmvs.com](http://www.ipmvs.com)

DATE: September 13, 2005

TO: Art Unit 1638 - Mail Stop Amendment

COMPANY: USPTO

PHONE:

FAX: 571-273-8300

FROM: LILA A. T. AKRAD

NUMBER OF PAGES (Including cover): 10

Please file the attached PRELIMINARY AMENDMENT for the following:

APPLICANTS	:	LUEDTKE, Jr., Roy et al.
SERIAL NO	:	10/784,321
FILED	:	February 23, 2004
TITLE	:	INBRED MAIZE LINE PH3PG
Grp./A.U.	:	1638
Examiner	:	
Conf. No.	:	8716
Docket No.	:	P06273US01 - PHI 1210C

BEST AVAILABLE COPY

THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL COVER SHEET CONTAIN INFORMATION FROM THE LAW FIRM OF MCKEE, VOORHEES & SEASE WHICH MAY BE CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THE DOCUMENTS ARE INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE ADDRESSEE IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING THESE DOCUMENTS TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TRANSMITTED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY THIS FIRM SO THAT WE CAN ARRANGE FOR THE RETURN OF THE ORIGINAL DOCUMENTS TO US. THANK YOU.

RECEIVED  
CENTRAL FAX CENTER

SEP 13 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : LUEDTKE, Jr., Roy et al.  
 SERIAL NO : 10/784,321  
 FILED : February 23, 2004  
 TITLE : INBRED MAIZE LINE PH3PG

Grp./A.U. : 1638  
 Examiner :  
 Conf. No. : 8716  
 Docket No. : P06273US01 - PHI 1210C

## PRELIMINARY AMENDMENT

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that this Preliminary Amendment be entered and made of record in response to the recent Board of Appeal decisions in U.S. Patent applications 10/000,311; 09/771,938; and 09/772,520 and the applicability of the reasoning of those Board decisions to the claims and arguments in the present case. The following amendments and remarks place the application in form for allowance. No new matter is presented, as such the Amendment is proper under 37 C.F.R. § 1.115. Applicants respectfully request reconsideration.

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

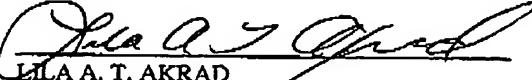
## MAILING

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Mail Stop Amendment, Alexandria, VA 22313-1450.

Date: 9/13/05

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, Art Unit 1638 at Fax No. (571) 273-8300.



LILA A. T. AKRAD

**Introductory Comments**

Claims 1-10 are pending in the present application.

**Amendments to the Specification** begin on page 3 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 4 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.